
CAIRNGORMS NATIONAL PARK AUTHORITY

MINUTES OF THE PLANNING COMMITTEE

held at Talla nan Ros, Kingussie
on 20th February 2009 at 9.30am

PRESENT

Eric Baird	Willie McKenna
Stuart Black	Eleanor Mackintosh
Duncan Bryden	Ian Mackintosh
Jaci Douglas	Alastair MacLennan
Dave Fallows	Andrew Rafferty
David Green	Gregor Rimell
Bob Kinnaird	Richard Stroud
Mary McCafferty	Susan Walker

IN ATTENDANCE:

Don McKee	Andrew Tait	David Scott
Mary Grier	Neil Stewart	
Marie Duncan	Julie Millman	

APOLOGIES:

Geva Blackett	Lucy Grant
Drew Hendry	Marcus Humphrey
Fiona Murdoch	

AGENDA ITEMS 1 & 2:

WELCOME AND APOLOGIES

1. The Convenor welcomed all present
2. Apologies were received from the above Members.

AGENDA ITEM 3:

MINUTES & MATTERS ARISING FROM THE PREVIOUS MEETING

3. The minutes of the previous meeting 23rd January 2009, held at the Community Hall, Boat of Garten were approved.
4. There were no matters arising.

**AGENDA ITEM 4:
DECLARATION OF INTEREST BY MEMBERS ON ANY ITEMS APPEARING ON THE
AGENDA**

5. Alistair MacLennan declared an interest in Planning Application No. 09/032/CP.
6. Anne MacLean declared an interest in Item No.8 on the Agenda.
7. Willie McKenna declared an indirect interest in Item No.9 on the Agenda.
8. Gregor Rimell declared an interest in Item No.12 on the Agenda.
9. David Green declared an indirect interest in Item No.12 on the Agenda.

**AGENDA ITEM 5:
PLANNING APPLICATION CALL-IN DECISIONS
(Oral Presentation, Andrew Tait)**

- 10.09/028/CP - No Call-in
11.09/029/CP - The decision was to call-in the application for the following reason :

- The site is located in an area designated as restricted countryside in the Badenoch and Strathspey Local Plan where there is a presumption against the development of houses unless the house is essential for the management of land. The proposal raises issues in relation to housing in the countryside, housing design and landscape issues. Consequently, the proposal is considered to raise issues of general significance for the collective aims of the Cairngorms National Park.

- 12.09/030/CP - The decision was to call-in the application for the following reason :

- The proposal is for the erection of 12 houses on the outskirts of Nethybridge. The site is on land allocated by the Badenoch and Strathspey Local Plan as an area of Forestry/Restraint where there is an intention that land adjoining Nethybridge which is important to its setting will be protected from sporadic development. The proposal raises issues with regard to housing policy, the setting of the village and landscape. Consequently, the proposal is considered to raise issues of general significance for the collective aims of the Cairngorms.

13.09/031/CP - No Call-in
Alistair MacLennan declared an interest and left the room
14.09/032/CP - No Call-in
Alistair MacLennan returned
15.09/033/CP - No Call-in
16.09/034/CP - No Call-in
17.09/035/CP - No Call-in
18.09/036/CP - No Call-in
19.09/037/CP - No Call-in
20.09/038/CP - No Call-in
21.09/039/CP - The decision was to call-in the application for the following reason :

- The proposal is for a replacement club hut for the Carn Dearg Mountaineering Club in Glen Clova. The site is located within the Deeside and Lochnagar National Scenic Area and adjacent to the River South Esk Special Area of Conservation. The proposal raises a number of issues with regard to natural and cultural heritage and promoting enjoyment of the special qualities of the Park. Consequently, the proposal raises issues of significance for the collective aims of the Cairngorms National Park.

22.09/040/CP - No Call-in
23.09/041/CP - No Call-in
24.09/042/CP- No Call-in
25.09/043/CP- No Call-in
26.09/044/CP- No Call-in

COMMENTING ON APPLICATIONS NOT CALLED-IN BY THE COMMITTEE

27. The Members wished to make comments to the Local Authorities on the following Planning Application No's 09/028/CP, 09/032/CP, 09/041/CP, 09/042/CP, & 09/043/CP. The planning officers noted these comments and were delegated with the responsibility of whether or not to submit the comments to the Local Authorities.
28. Sue Walker requested that at the next planning protocol meeting members should discuss issues to be raised with the Local Authorities regarding the validation process and submission of plans.

AGENDA ITEM 6:

REPORT ON RESULTS OF CONSULTATION ON 2ND MODIFICATIONS TO DEPOSIT LOCAL PLAN. (PAPER 1)

29. Don McKee, Head of Planning, presented a paper written by Karen Major, Local Plan Officer, recommending that the Committee formally note the responses to the consultation on the 2nd Modifications to the Deposit Local Plan and the next steps towards the Local Plan Inquiry
30. The following points were raised
 - a) Don McKee advised members that an extra paragraph had been added to the appendices and that the paper had been circulated for members to add.
 - b) Don McKee advised Committee the purpose of the paper is to update members on 'results of consultation on 2nd modifications to deposit local plan'.
 - c) The consultation period for 2nd Mods in November & December 2008.
 - d) Paragraph 3 – objection responses relate to issues on Policy 21 affordable housing, Inclusion of additional policy regarding Gypsies/Travellers and Travelling Show people, the renumbering of policies and the general consultation process.
 - e) Paragraph 4- clarification that the paper sets out no recommendations to formalise these responses into the production of any 3rd Modifications but issues will continue to be considered through the inquiry process.
31. Don McKee advised members that because of the timescale for the LPI process there would be no report on the 6th of March. The Pre-Inquiry Meeting on the 16th March 09 with the Inquiry starting on the 18th May running for an estimated 3 to 4 weeks.
32. Committee were informed of the work between the CNPA and reporters on a programme and confirmed dialogue with objectors to remove or refine objections. Members will receive regular updates by e-mail.
33. The Committee agreed to formally note the responses to the consultation on the 2nd Modifications to the Deposit Local Plan and the next steps towards the Local Plan Inquiry.

AGENDA ITEM 7:

**REPORT ON PUBLICATION OF THE CAIRNGORMS DEVELOPMENT PLAN SCHEME.
(PAPER 1a)**

34. Don McKee, Head of Planning, presented a paper written by Robert Grant recommending that the Committee formally note and approve the content of the Development Plan Scheme (DPS) and particularly its constituent timeline outlining the production of a new Local Development Plan (LDP), which would go on to replace the emerging Deposit Local Plan.
35. The following points were raised:
- a) Don McKee advised Committee the purpose of the paper is to note and approve the Development Plan Scheme and the timeline for the production of a new LDP as required by the Planning Etc (Scotland) Act 2006. This is required by the end of March.
 - b) Members were advised that the DPS would have to be reviewed.
 - c) Duncan Bryden advised members the CNPA were obliged to have this in place due to legislation and members would have the opportunity to look at it again in future.
36. The Committee agreed to formally note and approve the content of the DPS.
37. Richard Stroud made Committee aware of a typo on the Paper 1a, Our Action Plan Timetable. February 2009 should be 2010

Anne MacLean declared an interest and left the room.

AGENDA ITEM 8:

**REPORT ON CALLED-IN PLANNING APPLICATION FOR ERECTION OF 81 HOUSES AND CONSTRUCTION OF ACCESS ROADS ON LAND BETWEEN PERTH ROAD AND STATION ROAD, NEWTONMORE.
(PAPER 2)**

38. Duncan Bryden informed Committee that this application had been deferred after 22nd August 08 Committee meeting at Boat of Garten after which a site visit was organised. The application had been held back for a Strathspey venue meeting date due to the amount of local interest.
39. Duncan Bryden informed Members that Mr John Hewer & Mrs Janet Davidson had requested to address the Committee and that Mr Bill Hepburn (Agent) was available to answer any questions. The Committee agreed to the requests.
40. Andrew Tait, Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

41. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification of Condition 36 related to a gateway feature for the village as opposed to the development.
 - b) Clarification of Condition 25 on the management and maintenance agreement to be established on open space.
 - c) Clarification of Condition 4 and how achievable provision of affordable housing will be if units are completed as one contract.
 - d) Clarification of Paragraph 35 in relation to Conditions 5 and 14; SEPA's request for a secondary drainage system and confirmation that site is not within the indicative flood plain map.
 - e) Confirmation of Condition 3 and the CNPA monitoring the success on marketing the priority purchase to local people; results to be brought forward in future AOB.
 - f) Clarification of Condition 35 on the size and nature of play areas and recommendations.
 - g) Clarification of Condition 30 and the use of dry stone dykes.
 - h) Duncan Bryden advised members wording on Condition 29 was necessary.
 - i) Clarification Condition 2 has provisions to protect the site with phased ground works along with phased building work.
42. Duncan Bryden invited Bill Hepburn (Agent) to answer any further points of clarification that members had.
- a) Further clarification on play areas revealed the Sec.75 agreement could involve developers contributing towards local play facilities in the village to add value to existing spaces rather smaller allocated play areas on site.
 - b) Agreement on the phasing of groundwork's to be established.
43. Mr John Hewer, Representee, and member of the Newtonmore Business Association, addressed the Committee.
44. The Committee were invited to ask questions of the speaker and the following points were raised:
- a) Andrew Tait (Planning Officer) confirmed the layout less crowded than the original scheme plans.
 - b) Concerns on overloading communities' facilities and what contributions by developer other than in the recommendations were expected.
 - c) Concerns that the letters from the Newtonmore Community Council don't reflect the objections and members questioned if Mr Hewer represented Newtonmore Community Council.
 - d) The issue of local business being able to accommodate a higher population or whether the increase would benefit existing and encourage future business development opportunities.

- e) Clarification on the distance from the Southern end of site to primary school.
- f) Confirmation of the closest recreational facility in the village.

45. Mrs Janet Davidson, Representee, addressed the Committee.

46. The Committee were invited to ask questions of the speaker and the following points were raised:

- a) The urgency of affordable housing within the community.
- b) The factor of density within a development making housing more affordable.
- c) Concern over the designated areas for affordable housing within the new plan and issue of cramming.
- d) Exclusion of development on the flood plain within the designated area in the existing plan.

47. Duncan Bryden thanked the speakers.

48. Duncan Dryden asked members to consider that the CNPA Local Plan is not at a stage where it has weight in terms of material planning consideration and the CNPA is still operating on the current Local Plan and the site has been allocated for over 20 years for the suggested numbers of houses.

49. The Committee discussed the application and the following points were raised:

- a) The positive features with regards to road layout and conditions for groundworks.
- b) Recognition that the buildings don't accurately reflect nature of Newtonmore although is not dissimilar to an adjacent site of the same distance from local facilities.
- c) The application is reasonable given the conditions in terms of planning law.
- d) Appropriate street lighting and community benefits.
- e) Concerns Mr Hwer doesn't accurately represent views of Newtonmore CC and what is recorded within the papers may be a better representation.
- f) Suggestion that developers should liaise closely with Newtonmore CC.
- g) Acceptable standards of affordability and design.
- h) Difficulty reading the key on the report and presentation.
- i) Local play areas within their communities are more valuable than using centralised ones within the communities.
- j) Condition 35 should include maintenance of play area.

50. The Committee agreed to approve the application subject to revising the following conditions stated in the report

- Condition 2 – clarification on ground work phasing.
- Condition 5 - SEPA requirement rewording.

- Condition 29 & 30 – Clarification of the boundary treatments and materials.
- Condition 35- Location and size of play areas.
- Additional condition for Street Lighting.
- Condition 36- Clarification that entrance for the village rather than just the site.

51. It was agreed the revised conditions be circulated to members.

52. The Committee stopped for a 5 minute comfort break.

AGENDA ITEM 9:

REPORT ON CALLED-IN PLANNING APPLICATION FOR REFURBISHMENT OF GLENMORE CAMPSITE AND INTRODUCTION OF 38 No HOLIDAY LODGES AT GLENMORE CAMPING & CARAVAN SITE, AVIEMORE.

(PAPER 3)

53. Duncan Bryden informed Members that Adrian Burn, Head of Planning for Forest Holidays and Jack Welch, Representee, had requested to address the Committee. In association with Adrian Burn, David Jardine, (Forestry Commission Scotland) would also be available to answer questions from members. The Committee agreed to the requests.

54. Mary Grier, Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.

55. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:

- a) Concern over exact number of reduced site pitches.
- b) Clarification on the size of area reserved for the 206 pitches.
- c) The possibility of including a condition to maintain an area for free style camping.

56. Adrian Burn, Head of Planning for Forest Holidays, addressed the Committee. David Jardine (FCS) joined him.

57. The Committee were invited to ask questions of the speaker and the following points were raised:

- a) Clarification of how visitors/seasonal visitors and locals were contacted regarding new site and proposals.
- b) Clarification of how objectors were consulted.
- c) Concerns over lack of camping space with new lodges using space.
- d) Clarification of recording the number of users of the site and how they record visitors that are turned away.
- e) Concerns of no alternative sites being made available to visitors by the FCS and the possibility of an overspill facility in a separate application.
- f) Issues of displacement of campers and how to address it.

- g) Introduction of an advisory note to encourage contingency arrangements for alternative sites.
- h) Clarification of equal rights to both campers & caravaners with regards to issuing sites.
- i) Clarification on occupancy rates in lodges throughout the year and leasing periods.
- j) Possibility of considering a condition to monitor site occupancy covering the element of displacement, to aid future planning.
- k) How data is collated and catalogued and a suitable detailed mechanism for monitoring.

58. Jack Welch, Representee, addressed the Committee with a PowerPoint presentation.

59. The Committee were invited to ask questions of the speaker and the following points were raised:

- a) Possible solutions with regards to finding alternative sites.
- b) Issue of cramming due to proposed reduced camping space.
- c) Concerns over safety with reduction in space.
- d) Concerns over loss of quality for low income campers.
- e) Capacity problems during peak periods.

60. Duncan Bryden thanked the speakers.

61. The Committee discussed the application and the following points were raised:

- a) Concerns of affordability and price increase.
- b) Proactive provision and response to monitoring including qualitative and quantitative data.
- c) Inclusion of condition to provide occupancy details to the CNPA.
- d) The need for alternative camping arrangements in the area to facilitate any potential displacement.
- e) Clarification of definition of displacement.
- f) Clarification of additional conditions and advisory note.
- g) Impact on landscape value and historic value of the campsite.

62. Stuart Black proposed a motion that the application be refused due to over development and pressure on designated sites. This was seconded by Eleanor Mackintosh.

63. Dave Fallows proposed an amendment that the application be approved subject to the recommendations in the report and the amended conditions ;

- Revising Condition 3 to omit the word 'maximum'.
- Additional Condition on robust monitoring of occupancy site usage and demand.
- An Advisory Note relating to contingency planning for alternative camping opportunities in the vicinity in times of over capacity

This was seconded by David Green.

64. The vote was as follows:

	MOTION	AMENDMENT	ABSTAIN
Eric Baird		√	
Stuart Black	√		
Duncan Bryden		√	
Jaci Douglas		√	
Dave Fallows		√	
David Green		√	
Bob Kinnaird		√	
Mary McCafferty		√	
Willie McKenna		√	
Eleanor Mackintosh	√		
Ian Mackintosh		√	
Anne MacLean		√	
Alastair MacLennan	√		
Andrew Rafferty		√	
Gregor Rimell		√	
Richard Stroud		√	
Susan Walker		√	
TOTAL	3	14	0

65. The Committee agreed to approve the application subject to the conditions stated in the report and amendments to Condition 3 to omit the word 'maximum', an additional condition on monitoring of occupancy site usage and demand, and an Advisory Note relating to contingency planning for alternative camping opportunities in the vicinity in times of over capacity.

AGENDA ITEM 10:

REPORT ON CALLED-IN PLANNING APPLICATION FOR CONSTRUCTION OF NEW CLEAR WATER TANK AND ASSOCIATED EARTH BUNDING, ACCESS TRACK AND ANCILLARY WORKS AT LAND 1KM WEST OF A9 AT SLUGGANGRANISH, AVIEMORE.

(PAPER 4)

66. Duncan Bryden informed Members that Roger Knight (Director of the Spey Fishery Board) had requested to address the Committee. The Committee agreed to the requests.
67. Duncan Bryden informed members Tim Muir and Sharon Green (Scottish Water Solutions) were available to answer questions.
68. Neil Stewart, Planning Officer, presented a paper recommending that the Committee approve the application subject to the conditions stated in the report.
69. The Committee were invited to ask the Planning Officer points of clarification, the following were raised:
- a) Clarification on Paragraphs 25 & 30 and if leaks in the existing Loch Einich pipeline are repaired, is the development necessary.
 - b) Confirmation of connection between the related applications, at Easter Kinakyle.
 - c) Clarification of Paragraph 28 and wording with regards to wood ants and permitted development.
 - d) Clarification of Paragraph 20 and impact on the Spey.
 - e) Clarification of area to be supplied by the new clear water tank.
70. Roger Knight (Spey Fishery Association) Representee, addressed the Committee.
71. The Committee were invited to ask questions of the speaker and there were no points raised.
72. The Committee were invited to ask questions of Sharon Green (Scottish Water Solutions) and discuss the application and the following points were raised:
- a) The implementation and utilisation of the development before the introduction of boreholes.
 - b) The reason for locating the tank in the proposed location.
 - c) Confirmation of environmental designations.
 - d) The cumulative impact of the abstractions.
 - e) Clarification of the elevation and gravity system of the tank.
 - f) Acceptability of future abstractions from the Spey being a separate issue.
73. Gregor Rimell proposed a motion to approve the application subject to the conditions stated in the report. This was seconded by David Green.
74. The Committee agreed to approve the application subject to the conditions stated in the report.

75. The Committee paused for lunch at 13.15hrs.
76. The Committee reconvened at 13:55hrs
77. Duncan Bryden asked for Committee's consent to be filmed briefly by Scottish Television to use in reporting the AHR decision to the public, members agreed.

AGENDA ITEM 11:

REPORT ON CALLED-IN PLANNING APPLICATION FOR ROAD JUNCTION RE-ALIGNMENT AND ASSOCIATED WORKS AT JUNCTION AT ST ANDREWS TERRACE AND MAR ROAD, BRAEMAR.

(PAPER 5)

78. Neil Stewart, Planning Officer, presented a paper written by Hilary MacBean, Planning Officer, recommending that the Committee grant full planning permission subject to the conditions stated in the report.
79. The Committee discussed the application and the following points were raised:
- a) Clarification on how the adjacent dyke will be affected.
 - b) Implications of the location of bus stop on road safety, in relation to the new junction.
 - c) Concerns of appearance and maintenance of footpath.
 - d) Possibility of an additional condition ensuring the footpath is adequately maintained.
80. The Committee agreed to grant full planning permission subject to the conditions stated in the report and an additional condition on the appearance and maintenance of footpath.

Gregor Rimell declared an interest to withdraw from item No.12 discussion.

AGENDA ITEM 12:

REPORT ON CALLED-IN PLANNING APPLICATION FOR DEMOLITION OF EXISTING ADMIN BUILDING; RETAIL OFFICE, COMMUNITY LEISURE, ENVIRONMENTAL IMPROVEMENTS, ROADS, ADDITIONAL LODGES AND HOTEL EXTENSION AT THE AVIEMORE CENTRE, GRAMPIAN ROAD, AVIEMORE

(PAPER 6)

81. Duncan Bryden advised members to have the appropriate papers in order noting the additional letter from Aviemore Vicinity Community Council and the new recommendation update.
82. Duncan Bryden read a preamble to Paper 6 to Committee outlining the history and the importance of Aviemore Highland Resort (AHR) to Aviemore and the wider economy at present and in the future, emphasising that quality is paramount within the development and the CNPA. Reference was made to the development revisions undertaken to reflect the expectations of the CNPA, Architecture & Design Scotland and

the Highland Council and the issues surrounding public debate leading the recommendations of the CNPA .

83. Don McKee, Head of Planning, presented a paper recommending that the Committee grant the application subject to receipt of revised drawings, resolution of outstanding issues, completion of a section 75 agreement and to conditions.
84. Don McKee advised Members that Andrew Tait (Planning Officer) and Matthew Hawkins (CNPA Landscape Advisor) were available to answer any questions.
85. Don McKee outlined the report pointing out important sections within the report drawing members' attention to some salient points and the updated representations, consultations, conditions, appraisal and table of updated recommendations.
86. Don McKee advised members of the amended highlighted parts of the recommended update noting section b, e, Condition No. 22, 23-k, 30, 31, 32, 33, Informative No.5.
87. Duncan Bryden informed Members that Mr Gary Johnston of G H Johnston (Agent) had requested to address the Committee. Mr John Grierson (Aviemore Vicinity and Community Council) had also requested to speak and Mr Jim McFadyen (Architect) was available to answer questions if necessary. Mr Phillip Neaves (Planning Consultant) and Mr Sandy Telfer (Lawyer) had requested to speak on behalf of Laurel Grant LLP, objectors to the application. The Committee agreed to the requests.
88. Duncan Bryden advised members Mr David Scott our legal advisor from Ledingham Chalmers and Mr Les Houliker (Highland Council-Highways) were present.
89. The Committee were invited to ask Don McKee points of clarification, the following were raised:
 - a) Clarification on process with regards to recommended conditions and responsibility of ensuring compliance.
 - b) Concerns of the number of Lodges and compromising the Natural Heritage in the Area.
 - c) Clarification on the detailed planning stage.
 - d) Clarification of inclusion of Advertising and signs within the application.
 - e) Clarification on what happens if application is not approved on this occasion.
 - f) Clarification of whether Four Seasons Hotel is an iconic building in Aviemore.
90. Gary Johnston of G H Johnston, (Agent), addressed the Committee with a PowerPoint presentation and visual fly through of the proposed development.
91. The Committee were invited to ask questions of the speaker and the following points were raised:
 - a) Clarification on the reducing number and phasing of lodges.
 - b) The number of conditions and level of acceptability.
 - c) His views on blocking access from Laurel Bank Lane.
92. Philip Neaves & Sandy Telfer, Representees, addressed the Committee.

93. Don McKee replied to points raised by the speakers advising members the planners were content that plans were essentially satisfactory subject to changes requested in recommendation and the conditions were reasonable for a development of this scale and complexity. Anything outstanding that requires more definition and detail would be revised appropriately to ensure continuity throughout the development.
94. David Scott (Lawyer for CNPA) advised members that if a satisfactory agreement couldn't be met with applicants regarding affordability and community facilities, then it would come back to committee to be scrutinised and a verbal response from the Planning Gain Co-ordinator could be made formal and presented to the community council to highlight this. Financial contributions are covered within the Section 75 agreement. The S.75 can be finalised with the detailed plan in particular aspects regarding roads, AHR and CNPA will translate the confirmed heads of terms from the outline to the detailed application and this doesn't need to be in place prior to the Planning Committee Meeting.
95. David Scott advised the Committee it has adequate information and designs have been presented to members to allow determination at Committee and points raised by there is no prejudice in considering the application.
96. Duncan Bryden advised Gary Johnson to address Committee in reply to Mr Neaves & Mr Telfer.
97. The Committee were invited to ask questions of the speakers and there were no points raised.
98. John Grierson, (Aviemore and Vicinity Community Council), addressed the Committee.
99. The Committee were invited to ask questions of the speaker and there were no points raised.
100. Don McKee clarified Paragraph 92 of the report to Mr Grierson and members. He explained that the paragraph did not mean there had at this point been a resolution of issues regarding provision for the community: there had not. It was intended to make it clear that all members need to be assured of in granting any permission is that a package has been secured to the satisfaction of the Planning Gain Co-ordinator on behalf of the CNPA. Recommendation a) requires this and no permission would be granted until it had been complied with. If the issue could not be resolved it would be referred back to Committee. The point is that members do not require to know the detail of any package of community provision – only that the issue has been resolved.
101. Anne MacLean subsequently requested later in the meeting that this explanation be clearly noted in the minute.
102. Matthew Hawkins advised Committee on the integrity of the landscape, improvements that had been made and in particular the relocation of the lodges.
103. The Committee were invited to ask questions of Mr Hawkins and there was no points raised.
104. Duncan Bryden thanked all of the speakers.

105. Duncan Bryden proposed Committee go through each buildings individually then collectively and seek members reassurance on each one followed by the recommendation then the conditions.
106. The Committee referred to the appendices and discussed the applications and following buildings were discussed and commented on: Block A,B,C,D,E,F,G,H,I,J,J1,J2,J3,K,M,N,O,P,Q,R,S,T and U together with the Road Phasing.
107. The Committee discussed the application and the following points were raised:
- a) Clarification on the flexibility of outside space in conditions and provision for amenity areas for flats.
 - b) Concerns with Block M and loss of what is currently open space used by the public.
 - c) Withdrawing Block M in order to approve application.
 - d) Access roads and infrastructure.
 - e) Affordability.
 - f) Biodiversity.
 - g) S.75 agreement.
 - h) Durability, materials and more sympathetic finishing.
 - i) Including more conditions.
 - j) Community provision.
 - k) Receipt of satisfactory drawings.
 - l) Clarification that if the caveats at e) are not met, the Decision Notice will not be signed and issued.
 - m) Concern of process relating to proposed conditions and what elements that may come back to Committee Clarification for example the sustainability plan and if a future combined heating plant would still require permission.
 - n) Implementation and acceptable landscaping.
 - o) The number of lodges to be included.
 - p) The CNPA 3 Dragons economic model.
 - q) Compliance in caveat (a – e).
 - r) Repercussions on Committees negotiating position.
108. David Scott advised members on the ownership of the site and obligations for the site and that setting the conditions at this stage with single ownership is preferable to later with a number of separate owners. It was made clear that the condition and S.75 requirements would apply to all future landowners if the site is sold off in smaller parcels.
109. Don McKee and David Scott confirmed to members if terms of the recommendation weren't complied with the Committee would not be prejudiced in taking a different decision if the matter comes back before them.
110. David Green informs members the number of conditions are not unreasonable
111. Dave Fallows proposed a motion for approval as per the recommendation excluding Block M from the development and amending Condition 2 & 5 to cover open space/amenity, removing

caveat c) to reflect up to 15 lodges. and revision of condition 20 accordingly, amendment of caveat d) minimum of 25% and use of economic model to reflect current economic conditions. This was seconded by Stewart Black.

112. The Committee agreed to approve the application subject to:

- a. Resolution of the issues relating to community provision to the satisfaction of the CNPA acting as Planning Authority in consultation with Aviemore & Vicinity Community Council and the Applicant;**
- b. Receipt of revised drawings for Blocks J1-J3, Block K, Block S and resolution of any minor issues in respect of other drawings all to the satisfaction of the CNPA acting as Planning Authority;**
- c. Withdrawal of Block M and associated car parking from the application by the applicant;**
- d. A minimum of 25% affordable housing with additional provision in accordance with the residual value model developed by Three Dragons Consultancy and described in the report "Planning for Affordable Housing in the Cairngorms National Park" by Heriot Watt University and Three Dragons Consultancy March 2008 published by Communities Scotland (Report 99) all to the satisfaction of the CNPA acting as Planning Authority;**
- e. A Section 75 Agreement between CNPA, The Highland Council and Aviemore Highland Resort in relation to the provision of the north-south link road within the site, and the mechanism for provision of access to neighbouring land fronting Grampian Road, community provision as per a) above, affordable housing as per d) above, contributions towards public transport and improvement of B9152/Dalfaber Drive junction as requested by The Highland Council, such agreement to have regard to the terms of this permission and other relevant requirements of the existing minute of agreement between AHR and Highland Council, all to the satisfaction of the CNPA acting as Planning Authority;**

[The Planning Committee Resolution is comprehensive and comprises all of the individual elements a) – f). Any or all of a) to e) are to be referred back to the Planning Committee if the Head of Planning on behalf of the CNPA acting as Planning Authority considers that compliance has not been achieved. In such circumstances the CNPA acting as Planning Authority will be entitled to reconsider the application on its merits taking account of the extent and circumstances of compliance with this Resolution.]

And;

f. To the following conditions and informatives on the Decision Notice which will not be issued until there is compliance with a) to e) above:

1. The development to which this permission relates must be begun within five years from the date of this permission.
2. Detailed working drawings for each element of the proposals hereby approved shall be submitted to and agreed in writing by the CNPA acting as Planning Authority before development commences. The drawings shall include the precise position and finished levels of each building on the site, full detailed elevations, provision for garden/amenity space for residential units and a comprehensive specification for all materials to be used on the external finishes. Samples of materials shall be provided if requested by the CNPA acting as Planning Authority.
3. Notwithstanding the information given on the submitted drawings a detailed phasing plan for the implementation of all elements of the proposals shall be submitted to and agreed in writing by the CNPA acting as Planning Authority before development commences.
4. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with The Highland Council, all existing trees on the site, shall be retained.
5. Prior to the commencement of any development on site detailed "Landscape Plans" and "Landscape and Tree Management Plans" based on a detailed landscape appraisal and assessment shall be submitted to and agreed in writing with the CNPA acting as Planning Authority. The Landscape Plans shall include details of all existing trees and landscaped areas to be retained and their protection in accordance with BS 5837:2005. The Landscape Plans shall include all details for the siting, numbers, phasing programme for implementation, species and heights (at time of planting) of all new planting and the detailed specification for ground preparation and planting operations. The Landscape Plans shall also include fully detailed specifications for all hard landscaping, cycle/pedestrian paths, water features, amenity space and measures to facilitate and encourage public access and enjoyment. The Landscape and Tree Management Plan will include detailed measures for the future maintenance of all soft and hard landscaping after it has been planted and/or established and the long term maintenance strategy for the existing tree and woodland structure.
6. Within 3 months of the date of this permission, and separate from the requirements of Condition No. 5, a plan detailing provision for

substantial structure tree planting in advance of development (“the Advance Planting Plan”) shall be submitted to and agreed in writing with the CNPA acting as Planning Authority. The Advance Planting Plan shall include full details of the siting, numbers, species and heights (at time of planting) of the planting and it will be implemented in full in the first planting season following its approval by the CNPA acting as Planning Authority. The future maintenance of this planting shall be included within the Landscape and Tree Management Plan in Condition 5 above.

7. A full Arboricultural Impact Assessment and Method Statement (to BS 5837:2005) shall be submitted in support of individual development proposals and agreed by the CNPA acting as Planning Authority before any development takes place. This Statement shall demonstrate the means of making provision for the retention of an Arboricultural Consultant to undertake site monitoring.
8. Prior to the commencement of development an otter shelf shall be constructed on one side of the Aviemore Burn within the culvert under the northern access road to the Resort site. The otter shelf shall be constructed between 31 May and 15 October to a precise specification, including measures to avoid pollution of the burn, to be agreed beforehand with the CNPA acting as Planning Authority in consultation with Scottish Natural Heritage.
9. No demolition of buildings or other structures, or felling of trees, shall take place until a survey has been carried out for the presence of bats and the findings, along with any necessary measures to minimise the impact of the development, submitted to and agreed in writing by the CNPA acting as Planning Authority in consultation with Scottish Natural Heritage. Where considered necessary by Scottish Natural Heritage a licence will have to be obtained under the Conservation (Natural Habitats etc.) Regulations 1994 (as amended) before any acts can take place.
10. Craigellachie National Nature Reserve is home to breeding peregrine falcons. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, work on the construction of woodland lodges shall only take place outside the breeding season of 1 March – 1 July so as to avoid undue disturbance to the breeding birds.
11. The pond in the south west of the site, formerly part of Loch Puladdern, shall be restored and brought under positive conservation management as a wildlife pond in order that its ecological value is enhanced. This shall be done in accordance with a detailed specification, including timescale for implementation and provision for ongoing management, to be submitted to and agreed in writing by

the CNPA acting as Planning Authority before any development commences within the application site.

12. Provision shall be made within new buildings for opportunities for bat roosts, swift nests and house martin nests in accordance with a specification to be submitted to and agreed in writing with the CNPA acting as Planning Authority before any development commences.
13. The developer shall ensure that measures are in place to identify and responsibly dispose of invasive non-native plant species that either exist on the site or are brought on to it in imported material.
14. The path linking into Craigellachie NNR from the Resort shall be improved to meet the "BT Countryside for All Accessibility Standards" in accordance with a specification, including timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
15. The steps shall be reinstated at the junction of the Youth Hostel path and Aviemore Orbital where they enter Craigellachie NNR in accordance with a specification, including timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
16. The Youth Hostel to Craigellachie NNR path shall be improved to aggregate standard in accordance with a specification, including timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
17. Dedicated car parking and interpretation for the Craigellachie NNR shall be made available within the Resort site in accordance with a specification, including locations and timescale for implementation, to be submitted to and agreed in writing by the CNPA acting as Planning Authority before any development commences.
18. No approval is hereby granted for the detailed proposals shown on the submitted drawings for the access to the site from Grampian Road via Laurel Bank Lane. Before any development commences within the site, further drawings for the upgrading and enhancement of this access, a proposed Core Path, shall be the subject of a full specification to be submitted to and agreed in writing by the CNPA acting as Planning Authority. The specification shall include details of surface and boundary treatments, landscaping, signage and measures to give all ability access from Grampian Road to the Resort and vice versa. The access shall be provided in accordance with the approved specification before any development commences within the site and

shall be retained for use at all times thereafter unless otherwise agreed in writing by CNPA acting as Planning Authority.

19. Full details of provision for cycle lanes, cycle storage and signage/promotion of routes for non-motorised users shall be submitted to and agreed in writing by the CNPA acting as Planning Authority before any works take place.
20. Permission is given for up to 15 lodges within the existing lodge development in the woodland to the south of the site. The precise number and positions for the woodland lodges shall be agreed on site with the CNPA before any works take place and it will be necessary to demonstrate to the satisfaction of the CNPA that any lodges can be accommodated without significant adverse impact on the designated woodland or other natural heritage interest within the site. Installation of any approved lodges shall take place in accordance with a method statement to be submitted to and agreed with the CNPA acting as Planning Authority before development commences. For the avoidance of doubt the method statement shall make provision for supervision of installation by CNPA staff or appointed persons if so required by CNPA acting as Planning Authority.
21. Prior to the commencement of any development on the site a red squirrel survey and management plan shall be submitted to and approved by the CNPA acting as Planning Authority for the south of the site in the woodland area identified for Woodland Lodges and Block S. This shall include measures to enhance the red squirrel habitat within and around the proposed site and will inform the method statement in Condition 20. above. The precise extent of the area covered by the survey and management plan shall be agreed beforehand with CNPA acting as Planning Authority.
22. Unless otherwise agreed in writing by the CNPA acting as Planning Authority in consultation with the Transport Scotland, Trunk Roads – Network Management Directorate, no additional development in excess of the levels indicated in Phase 1, 2 and 3, as defined within the Millard Construction Transport Assessment Addendum dated July 2008 and attached to this permission, shall be occupied until the upgrade of the existing A95(T)/(A9 (T) Link Road North) priority junction to a roundabout junction, generally in accordance with Millard Construction drawing No: 8240/03/01 has been implemented to the satisfaction of the CNPA acting as Planning Authority, in consultation with the Transport Scotland, Trunk Roads – Network Management Directorate.
23. Prior to the commencement of any development on site, a comprehensive Travel Plan that sets out proposals for reducing the

dependency on the private car shall be submitted to and approved in writing by the CNPA acting as Planning Authority, in consultation with Transport Scotland – Trunk Road Network Management Directorate. The Travel Plan shall include:

- a. The duration of the travel plan;
 - b. Details for the management of the travel plan identifying the persons responsible for implementation;
 - c. Details of the proposed measures for monitoring, review and reporting;
 - d. Details of mode share targets;
 - e. Details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks;
 - f. Details of cycle parking provision and location within the site;
 - g. Details of proposed measures to improve public transport facilities;
 - h. Details of initiatives such as car share schemes and flexible working;
 - i. Details of employee locker and shower facilities;
 - j. Details of travel information to be provided within the site; and
 - k. Details of car parking provision and management, including disabled and parent & child parking.
24. That unless otherwise agreed in writing with the CNPA acting as Planning Authority following consultation with Highland Council's Area Roads Manager, the road network within the masterplan site hereby approved shall be designed for maximum traffic speeds of 20 mph.
25. Notwithstanding the provisions of the Town and Country Planning (Scotland) Order 1992 (as amended), no walls or fences shall be erected on any masterplan site boundary or within the masterplan site, unless otherwise agreed in writing with the CNPA acting as Planning Authority.
26. Before development commences a detailed drainage scheme, supported by site investigations, shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with SEPA. The drainage scheme shall meet with the technical guidance within The SUDS Manual (CIRIA Publication C697) and development shall take place in accordance with the approved scheme.
27. Before development commences a detailed Sustainability Plan shall be submitted to and approved by the CNPA acting as Planning Authority. The development shall thereafter proceed in accordance with the approved plan unless otherwise agreed in writing by the CNPA acting as Planning Authority. The plan shall include detailed sustainability measures including energy conservation/thermal efficiency, use of renewable energy, minimisation of water consumption, rainwater harvesting, use of locally produced and sourced materials in

construction, and use of local labour. The plan shall detail shared measures for the site as whole and a specification of measures for each building. The plan shall demonstrate how existing development in the resort can be integrated within the measures.

28. That prior to the commencement of any development on any part of the site hereby approved, a photographic record shall be made of the remains of old buildings and/or other features affected by the proposed development, in accordance with the attached specification (brief for archaeological evaluation). Thereafter it shall be submitted for the further written approval of the CNPA acting as Planning Authority following consultation with Highland Council Archaeology Unit. No site clearance work shall take place until confirmation in writing has been received from the CNPA acting as Planning Authority that the record has been lodged and is satisfactory.
29. Before development commences a contaminated land study, including measures to deal with any contamination identified, shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with The Highland Council Contaminated Land Officer.
30. Before development commences a detailed lighting strategy for the site, including street lighting, shall be submitted to and approved by CNPA acting as Planning Authority and all lighting provision shall thereafter be implemented in accordance with the approved strategy.
31. Notwithstanding the information shown on the submitted drawings, and in addition to the Travel Plan required by Condition 23, before development commences a scheme for all roads and related works within the site shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with the Highland Council Area Roads and Community Works Manager. The scheme shall include:
 - a) Identification of those roads to be constructed to or brought up to adoptable standard;
 - b) The positions and a precise detailed specification for the construction of all new or upgraded roads and footways, including the pedestrian priority section of the north – south link;
 - c) Improvements to the junction of the southern access to the site and Grampian Road;
 - d) The precise access arrangements to Site S and Site M;
 - e) Details of visibility splays at all junctions;
 - f) Arrangements for servicing individual elements of the proposals.
32. Before development commences a waste management plan shall be submitted to and approved by the CNPA acting as Planning Authority

in consultation with The Highland Council's Waste Management Team. The scheme shall include the provision of bin stores and recycling points at agreed locations within the site, and a timescale for implementation.

33. All properties within the development shall be free from the effects of a 1 in 200 years flood event and there shall be no increase in flood risk to any properties upstream or downstream of the site as a result of the development.

INFORMATIVE

1. The applicant and any developer is advised that it will be necessary to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) with respect to breeding birds that may be using buildings, trees and shrubs on the site.
2. The applicant/developer is advised to liaise with Scottish Natural Heritage when preparing detailed proposals in order to take account of the need to protect breeding peregrine falcons on the Craigellachie National Nature Reserve.
3. The Trunks Roads Authority would recommend that:
 - i) Trunk Road modifications shall in all aspects comply with the Design Manual for Roads and Bridges (DMRB) and the Specification for Highway Works published by HMSO, and should account for Cycle and Road Safety Audits at stages 1 to 4 as outlined in Volume 5 of DMRB. The developer shall issue a certificate to that effect, signed by his design organisation.
 - ii) Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement of any works.
4. Before preparing detailed development proposals the applicant/developer is advised to contact Scottish Water which, whilst not objecting to the application, has highlighted that there may be network issues to be addressed and cannot guarantee a water supply or connection to the public sewerage system. Due to the size of the development it is necessary for Scottish Water to assess the impact this new demand will have on its infrastructure and the developer will have to submit a fully completed Development Impact Assessment form. There may be a requirement for the developer to fund works to allow for connection.

5. The applicant and any developer is advised that Road Construction Consent will be required in respect of any roads related works intended for adoption by The Highland Council.

113. David Scott advised members about the timescale for completion of a Section 75 Agreement which is dependant on willingness of the applicant and other parties to sign it to allow release of Decision Notice.

114. David Green suggested to Committee a timescale is important to update members on compliance with elements of this scheme and developments with the S.75 agreement. The Committee agreed on regular reports from the CNPA Planning Team every couple of months.

115. Duncan Bryden thanked all speakers for their contribution to the debate.

AGENDA ITEM
ANY OTHER BUSINESS

116. There was no other business.

AGENDA ITEM
DATE OF NEXT MEETING

117. Friday 06th March at 10:30am, at Albert Hall, Ballater.

118. Committee Members are requested to ensure that any Apologies for this meeting are submitted to the Planning Office in Ballater.

119. The meeting concluded at 17:30pm.